



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
OFFICE OF WORKFORCE OPPORTUNITY  
64 Old Suncook Road Concord, New Hampshire 03301

603-228-9500  
FAX: 603-228-8557  
[www.nhworks.org](http://www.nhworks.org)  
[www.nheconomy.com](http://www.nheconomy.com)

March 21, 2011

Holly O'Brien  
Regional Administrator  
U.S. Department of Labor  
Employment and Training Administration  
John F. Kennedy Federal Building  
Room E-350 Boston, MA 02203

Dear Ms. O'Brien:

Please find attached a waiver request from New Hampshire regarding the Subsequent Eligibility requirement for Eligible Training Provider as identified in our Statewide Consolidated Review. This is in response to our Annual Performance Review that reflected NH DRED is not determining the subsequent eligibility of training providers

If you have any questions or we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackie Heuser", written over a large, stylized, handwritten "JH".

Jackie Heuser, Director  
Office of Workforce Opportunity

JH/bsj

Enclosure

State of New Hampshire  
Office of Workforce Opportunity (OWO)  
NH Department of Resources and Economic Development  
172 Pembroke Road  
P O Box 1856  
Concord, NH 03302

Request for Waiver  
Eligible Training Provider List (ETPL)

The New Hampshire Department of Resources and Economic Development, Office of Workforce Opportunity, the state administrative entity for the Workforce Investment Act seeks a waiver to delay the application of "Subsequent Eligibility of Training Providers" requirement for all students through June 30, 2012.

The basis for this request is to allow New Hampshire additional time to establish a statewide system for consistently and uniformly collecting performance information among all training providers. Despite that an aggressive effort has been underway since July 2001 to design a system that promotes the intent and spirit of WIA to provide informed customer choice and provider accountability, training providers are struggling to adopt uniform systems for collecting and reporting performance information for "all students" and the WIA sample pool size is insufficient to determine renewal criteria. In consultation with the state's relatively small training provider community we are committed to fulfilling the requirements of the Act and will continue in accordance with New Hampshire's plan to implement a Subsequent Eligibility application, review and approval process.

This waiver request is being submitted in the format identified in WIA section 189(i)(4)(B) and WIA Regulations 661.420(c).

*Statutory Regulations to be Waived:* Workforce Investment Act (WIA) Section 122(c)(5) and WIA regulations 663.530 citing the provision that the time limit for initial eligibility may be waived for an additional year. There is no existing State or local statutory or regulatory barriers to implementation of this waiver request.

*Goals to be Achieved as a Result of the Waiver:* The goals to be achieved by the waiver are:

1. Improve efforts of data collection from training providers.
2. Increase the amount and accuracy of WIA performance information for training providers by increased period of time thus providing larger data pool for determination of subsequent eligibility.
3. Continue to offer customer choice while working with the Department of Labor to identify possible revisions to this section of the Act.

*State or Local Statutory or Regulatory Barriers:* There are no existing state or local statutory or regulatory barriers to implementing this request.

*Description of the Waiver Goal and Programmatic Outcomes:* The purpose for requesting this waiver is to allow the programs that are currently eligible to be available to NH Works customers continue without a Subsequent Eligibility evaluation review. We are very concerned that a strict enforcement of Subsequent Eligibility guidelines would drastically reduce the limited number of training providers available to our customers.

New Hampshire is a rural state consisting of a Single Workforce Investment Area and 13 one-stop centers. Currently, the number of training providers that have been approved under the Initial Eligibility guidelines is 122. Collectively, these providers are approved for approximately 2,100 programs. Providers include all of NH's community colleges, a significant number of public and private for-profit schools, colleges and universities, Adult Education and Regional Vocational Education providers and non-profit community-based organizations.

The vast majority of providers do not have internal systems or capacity to produce the "all student" performance data in the specified timeframe to meet the re-certification requirements under Subsequent Eligibility. Moreover, for many of the programs that have been approved the data for the number of WIA supported students is grossly insufficient due to the timeframes that they received the training and the calculation of performance outcomes at exit. A complete list of eligible training providers is located at [www.nscite.org](http://www.nscite.org)

New Hampshire's experience with implementing the subsequent eligibility requirements of the Act mirrors that of most other states.

- Maintenance and collection of the "all student" performance data prescribed by the Act will result in a level of financial and human resource investment that does not come close to matching the return on investment.
- The potential of violations of student privacy is not necessarily protected under the Family Educational Rights Privacy Act.
- Most public and private not-for-profit institutions are facing considerable budget issues and have been working on processes for streamlining student information gathering and record-keeping systems. The WIA requirements would necessitate adding a considerable amount of data collection and intrusive customer follow-up activity.

Granting this waiver request will provide New Hampshire with the additional time necessary to work with the Department of Labor and the state's training provider community to identify methods for collecting "substantially similar" performance indicators. In addition, we are committed to promoting and supporting initiatives that offers continued customer choice and system accountability through this waiver plan as follows:

*Description of Individuals Impacted by the Waiver:* The waiver will positively impact all

customers. Individual customers will continue to have choices in selecting training programs that meet their skill development needs. Employers will be assured that they are receiving a skilled and trained workforce. Additional time will allow the state to evaluate effective measures of training provider performance. Training providers will be given the opportunity to develop meaningful measures of student experiences and outcomes.

*Description of the Process to Monitor Progress:* The Office of Workforce Opportunity, NH Department of Resources and Economic Development will be the entity responsible to implement and monitor the goals and action plans outlined in this request. The OWO maintains primary responsibility to meet the goals identified in this plan within the timeframes as established.

*Opportunity for Local Boards to Comment on Waiver Request:* As a single state Workforce Board, the “Eligible Training Provider Subsequent Eligibility Waiver Request” was submitted and unanimously approved at their March, 2010, meeting.

*Public Comment on This Waiver Request:* Although our State Board meetings are open to the public, we will publish on the [www.nhworks](http://www.nhworks) website for 60 days a copy of this waiver for purposes of ensuring meaningful public comment by business, organized labor, training providers, trainees, and potential trainees. All feedback and correspondence will be forwarded to you for your files and review.

*Timeline:* It is the State’s intention to implement subsequent eligibility requirements by June 30, 2012 or seek a waiver extension should a sufficient sample size not exist.